

REMARKS

This paper is being provided in response to the Office Action dated March 23, 2006, for the above-referenced application. In this response, Applicants have amended claims 10-14 to clarify that which Applicants consider to be the invention. Applicants respectfully submit that the amendments to the claims are fully supported by the originally-filed specification. Further, as discussed below, Applicants submit herewith an executed Declaration by Steven T. McClure under 37 C.F.R. 1.131.

The rejection of claims 10-14 under 35 U.S.C. 101 as non-statutory subject matter has been addressed by amendments contained herein. Amended claims 10-14 are directed to an apparatus and recite statutorily patentable subject matter. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

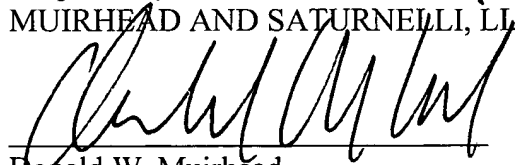
The rejection of claims 1-6 and 10-14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2004/0205384 to Lai et al. (hereinafter "Lai") in view of U.S. Patent No. 6,052,308 to Pitts (hereinafter "Pitts"), the rejection of claims 7-9 under 35 U.S.C. as being unpatentable over Lai in view of Pitts and further in view of U.S. Patent App. Pub. No. 2005/0160311 to Hartwell, et al. (hereinafter "Hartwell"), and the rejection of claims 15-20 under 35 U.S.C. 103(a) as being unpatentable over Lai in view of Hartwell and further in view of Pitts, are all hereby traversed in view of the submission herewith of a 131 Declaration, as further detailed below.

The Lai reference is a published U.S. patent application that was filed in the United States on February 18, 2004, and published on October 14, 2004. The present above-captioned patent application to Cartmell, et al. (hereinafter “the present patent application”) was filed in the United States on March 29, 2004. Accordingly, the Lai reference is prior art under 35 U.S.C. 102(e).

Applicants submit herewith a Declaration by Steven T. McClure under 37 C.F.R. 1.131 (hereinafter “the 131 Declaration”) detailing facts indicating that the present claimed invention was conceived before February 18, 2004, and that the inventors were diligent from a time before February 18, 2004, until the present invention was constructively reduced to practice by the filing of the present patent application on March 29, 2004. Therefore, Applicants submit that the attached 131 Declaration provides facts sufficient to “swear behind” the Lai reference. Accordingly, in view of the above, Applicants submit that any rejections using the Lai reference should be withdrawn.

Based on the above, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,
MUIRHEAD AND SATURNELLI, LLC

A handwritten signature in black ink, appearing to read 'Donald W. Muirhead', is written over a horizontal line.

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